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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,821	05/26/2006	Kenji Hayashi	128189	7402
25944 7590 05/28/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
EVANS, GEOFFREY T				
ART UNIT		PAPER NUMBER		
2852				
MAIL DATE		DELIVERY MODE		
05/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,821

**Applicant(s)**

HAYASHI ET AL.

**Examiner**

GEOFFREY T. EVANS

**Art Unit**

2852

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-8, 10, 11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-8 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 5/15/2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (JP publication 2002-304102), in view of Isemura et al. (5,689,759).

Regarding claim 10, and claim 11 depending therefrom, Hara et al. disclose an image formation method for an image forming apparatus, comprising a photoreceptor drum on which, in a driven state, an electrostatic latent image of an image for image formation is optically formed (**PR; see paragraph [0010], and figure 1**); developing means which, in a driven state, toner-develops the electrostatic latent image formed on

the photoreceptor drum (**G**; **see paragraph [0027], and figure 1**); and transfer means for, in a driven state, transferring a developed image obtained by toner development by the developing means to an image recording medium (**BM**; **see paragraph [0028], figure 1**), including:

when instruction information for instructing formation of the developed image on a plurality of sheets of the image recording medium is inputted, controlling driving of the photoreceptor drum, the developing means and the transfer means such that formation of a developed image on a plurality of sheets of the image recording medium according to the instruction information is continuously performed (**see paragraph [0042] for all limitations**), and controlling driving of at least one of the photoreceptor drum, the developing means or the transfer means such that, in a course of the continuous image formation, driving of at least one of the photoreceptor drum, the developing means or the transfer means is halted at least once (**see paragraph [0042] for all limitations**);

specifying whether a type of the image recording medium is a first type of predetermined regular size, or a second type of non-regular size other than the regular size (**Hara, et al. specify whether regular paper or pasteboard is being used; see paragraphs 40, 41, and 48-49; regular paper and pasteboard are different thickness; Hara, et al. assume this; see paragraphs 16-17; since thickness reads on size, Hara, et al. specify whether a regular size is being used**) and

controlling driving of at least one of the photoreceptor drum, the developing means or the transfer means such that, in the course of the continuous image

formation, driving of at least one of the photoreceptor drum, the developing means or the transfer means is halted at least once (**see paragraphs 42 and 48-49**),

Hara et al. do not disclose specifying whether a type of the image recording medium is a first type of predetermined regular size, or a second type of non-regular size other than the regular size *wherein regular size and non-regular size are measures of a printable area of the image recording medium*.

Isemura et al. disclose specifying whether a type of the image recording medium is a first type of predetermined regular size, or a second type of non-regular size other than the regular size wherein regular size and non-regular size are measures of a printable area of the image recording medium (**see column 3, lines 4-8**).

It would have been obvious to one of ordinary skill in this art at the time the invention was made, to modify the image forming method of Hara et al. to include specifying whether a type of the image recording medium is a first type of predetermined regular size, or a second type of non-regular size other than the regular size wherein regular size and non-regular size are measures of a printable area of the image recording medium, in order to adjust to whatever size recording medium the user feeds, and to enable automatic handling of sheets identified as regular size, as discussed by Isemura et al. (**see column 1, lines 65-67; column 2, lines 1-4 and 49-54; and column 3, lines 4-8**).

Regarding claim 11, Hara et al. disclose that the image formation method identified with that of claim 10, further includes:

controlling at least one of the photoreceptor drum, the developing means or the transfer means such that, every time a number of continuously image-formed sheets reaches a prescribed number of sheets of the image recording medium, at least one of the photoreceptor drum, the developing means or the transfer means is halted for a prescribed period of time **(see paragraph [0042] for all limitations)**.

***Allowable Subject Matter***

Claims 1, 4-8, and 13-15 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or suggest, "every time a number of continuously image-formed sheets reaches a prescribed number of sheets of the image recording medium, the photoreceptor drum, the developing means and the transfer means are halted for a prescribed period of time, and the prescribed number of sheets and the prescribed period of time are determined as those with which image formation on the image recording medium can be continuously performed by the prescribed number of sheets without the fuser exceeding a prescribed, temperature, wherein the size of the image recording medium is a measure of a printable area of the image recording medium," in combination with the remaining claim elements as set forth in claim 1, and claims 4-5, 7-8, 13, and 15 depending therefrom.

The prior art does not disclose or suggest, "specification means for specifying whether a type of the image recording medium is a first type of predetermined regular size, or a second type of non-regular size, other than the regular size, wherein, when

the type of the image recording medium is specified to be the second type by the specification means, the control means controls driving of at least one of the photoreceptor drum, the developing means or the transfer means such that, in the course of the continuous image formation, driving of at least one of the photoreceptor drum, the developing means or the transfer means is halted at least, once; and regular size and non-regular size are measures of a printable area of the image recording medium," in combination with the remaining claim elements as set forth in claim 6, and claim 14 depending therefrom.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Regarding Applicant's remarks, Examiner agrees that the current amendment overcomes the previous rejections. However, said amendment necessitated further search and consideration which led to the current rejection of claims 10 and 11.

Although claims 6 and 10 are similar, claim 10 lacks the following important limitation, appearing in claim 6, which is italicized for emphasis, "*when the type of the image recording medium is specified to be the second type by the specification means, the control means controls driving...*" This limitation is part of the reasons for allowance indicated for claim 6. Because it is absent from claim 10, the limitations, "controlling driving of at least one of the photoreceptor drum, the developing means or the transfer

means such that...,” are not constrained by the limitations, “specifying whether a type of the image recording medium is a first type of predetermined regular size, or a second type of non-regular size other than the regular size.” Thus claim 10 has a broader scope than claim 6, and claim 10 is in fact met by prior art, as discussed in the foregoing rejections, while claim 6 is indicated allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEOFFREY T. EVANS whose telephone number is (571)272-2369. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571) 272 2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David M Gray/  
Supervisory Patent Examiner,  
Art Unit 2852

GTE